

Introduced by Senator Liu

February 10, 2015

An act to amend Section 21212 of the Vehicle Code, relating to bicycles.

LEGISLATIVE COUNSEL'S DIGEST

SB 192, as introduced, Liu. Bicycles: helmets.

Existing law prohibits a person under 18 years of age from operating a bicycle, riding on a bicycle as a passenger, or riding in a trailer towed by a bicycle unless the person is wearing a bicycle helmet meeting specified standards. A violation of those provisions is an infraction punishable by a fine of not more than \$25.

This bill would require every person, regardless of age, to wear a bicycle helmet when operating a bicycle, riding on a bicycle as a passenger, or riding in a trailer towed by a bicycle. The bill would also require a person engaged in these activities in the darkness to wear retroreflective high-visibility safety apparel, as specified. Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 21212 of the Vehicle Code is amended to read:

21212. (a) (1) A person ~~under~~ shall not operate a bicycle, or ride upon a bicycle as a passenger, upon a street, bikeway, as defined in Section 890.4 of the Streets and Highways Code, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. This requirement also applies to a person who rides upon a bicycle while in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle.

(2) A person shall not engage in the activities described in paragraph (1) in the darkness, as defined in Section 280, unless that person is wearing high-visibility safety apparel, which may include a vest, jacket, or shirt, that is retroreflective and meets the requirements of the American National Standard for High-Visibility Safety Apparel and Headwear, published by the American National Standards Institute/International Safety Equipment Association or standards subsequently established by those entities.

~~(b) A person under 18 years of age shall not operate a bicycle, a nonmotorized scooter, or a skateboard, nor shall they wear in-line or roller skates, nor ride upon a bicycle, a nonmotorized scooter, or a skateboard as a passenger, upon a street, bikeway, as defined in Section 890.4 of the Streets and Highways Code, or any other public bicycle path or trail unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. This requirement also applies to a person who rides upon a bicycle while in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle safety standards described in subdivision (a).~~

~~(b)~~

(c) Any helmet sold or offered for sale for use by operators and passengers of bicycles, nonmotorized scooters, skateboards, or

1 in-line or roller skates shall be conspicuously labeled in accordance
2 with the standard described in subdivision (a) which shall constitute
3 the manufacturer's certification that the helmet conforms to the
4 applicable safety standards.

5 ~~(e)~~

6 (d) No person shall sell, or offer for sale, for use by an operator
7 or passenger of a bicycle, nonmotorized scooter, skateboard, or
8 in-line or roller skates any safety helmet ~~which~~ is not of a type
9 meeting requirements established by this section.

10 ~~(d)~~

11 (e) Any charge under this subdivision shall be dismissed when
12 the person charged alleges in court, under oath, that the charge
13 against the person is the first charge against that person under this
14 subdivision, unless it is otherwise established in court that the
15 charge is not the first charge against the person.

16 ~~(e)~~

17 (f) (1) Except as provided in subdivision ~~(d)~~ (e), a violation of
18 this section is an infraction punishable by a fine of not more than
19 twenty-five dollars (\$25).

20 (2) The parent or legal guardian having control or custody of
21 an unemancipated minor whose conduct violates this section shall
22 be jointly and severally liable with the minor for the amount of
23 the fine imposed pursuant to this subdivision.

24 ~~(f)~~

25 (g) Notwithstanding Section 1463 of the Penal Code or any
26 other provision of law, the fines collected for a violation of this
27 section shall be allocated as follows:

28 (1) Seventy-two and one-half percent of the amount collected
29 shall be deposited in a special account of the county health
30 department, to be used for bicycle, nonmotorized scooter,
31 skateboard, and in-line and roller skate safety education and for
32 assisting low-income families in obtaining approved bicycle
33 helmets for children ~~under the age of~~ 18 years *of age*, either on a
34 loan or purchase basis. The county may contract for the
35 implementation of this program, which, to the extent practicable,
36 shall be operated in conjunction with the child passenger restraint
37 program pursuant to Section 27360.

38 (2) Two and one-half percent of the amount collected shall be
39 deposited in the county treasury to be used by the county to
40 administer the program described in paragraph (1).

1 (3) If the violation occurred within a city, 25 percent of the
2 amount collected shall be transferred to and deposited in the
3 treasury of that city. If the violation occurred in an unincorporated
4 area, this 25 percent shall be deposited and used pursuant to
5 paragraph (1).

6 SEC. 2. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.